

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

SFR SERVICES, LLC a/a/o
MICHELLE PUTMAN,

Plaintiff,

v.

Case No: 2:21-cv-555-SPC-MRM

LEXINGTON INSURANCE
COMPANY,

Defendant.

ORDER¹

Before the Court is Defendant Lexington Insurance Company's Notice of Removal. ([Doc. 1](#)). Plaintiff SFR Services, LLC a/a/o Michelle Putman sued in state court for breach of contract. Lexington removed on diversity grounds.

A defendant may remove a civil action from state to federal court if the federal court has original jurisdiction. [28 U.S.C. § 1441\(a\)](#). "The existence of federal jurisdiction is tested at the time of removal." *Adventure Outdoors, Inc. v. Bloomberg*, [552 F.3d 1290, 1294-95 \(11th Cir. 2008\)](#). [28 U.S.C. § 1447\(c\)](#). "A removing defendant bears the burden of proving proper federal jurisdiction."

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Leonard v. Enter. Rent a Car, 279 F.3d 967, 972 (11th Cir. 2002). And because federal courts have limited jurisdiction, they are “obligated to inquire into subject matter jurisdiction *sua sponte* whenever it may be lacking.” *Univ. of S. Ala. v. Am. Tobacco Co.*, 168 F.3d 405, 410 (11th Cir. 1999).

Federal diversity jurisdiction requires an amount in controversy over \$75,000, exclusive of interests and costs, and complete diversity among the parties. 28 U.S.C. § 1332(a). Here, Lexington failed to show complete diversity because it did not plead SFR’s citizenship.

An LLC (like SFR) is a citizen of every state in which one of its members is domiciled. *Rolling Greens MHP, L.P. v. Comcast SCH Holdings L.L.C.*, 374 F.3d 1020 (11th Cir. 2004). Each member of the LLC must be diverse from the opposing party. See *Lincoln Prop. Co. v. Roche*, 546 U.S. 81, 89 (2005). Lexington stated, SFR “is a Florida limited liability company with a principal place of business in Stuart, Florida and incorporated in the State of Florida.” This is the test for a corporation not an LLC. Because Lexington has not pled the citizenship of SFR Services members, the Court can only speculate as to whether it has jurisdiction.

Accordingly, it is now

ORDERED:

Defendant Lexington Insurance Company must **SUPPLEMENT** its Notice of Removal (**Doc. 1**), **on or before August 12, 2021**, to show cause why

this case should not be remanded for lack of subject-matter jurisdiction.
**Failure to comply with this Order will lead to this case being
remanded without further notice.**

DONE and ORDERED in Fort Myers, Florida on July 29, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record